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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,217	06/14/2001	Peter Kleinschmidt	P01.0203	7579

7590 08/01/2005

Schiff Hardin & Waite
Patent Department
Sears Tower 6600 Floor
233 South Wacker Drive
Chicago, IL 60606

EXAMINER

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,217

Applicant(s)

KLEINSCHMIDT ET AL.

Examiner

Dilek B. Cobanoglu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 have been examined.

Priority

2. Foreign priority is not granted.
3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on June 15, 2000. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6-12 are rejected under 35 U.S.C. 102 (e) as being unpatentable by Rozen et al. (U.S. Patent No. 6,073,106).

A. As per claim 1, Rozen et al. discloses a health or medical information system (Rozen et al.; col.2, lines 34-38) comprising:

- i. A server (Rozen et al.; col.5, lines 32-41) having access to a database or storage of information (Rozen et al.; abstract) containing

personal data (Rozen et al.; abstract and col.1, lines 11-16) and medical data (Rozen et al.; col.5, lines 31-32),

ii. A variable data input device or phone/fax/mail or internet communications (Rozen et al.; abstract and col.8, lines 1-8),

iii. An intelligent or interactive data output device or fax or interactive computer networks (Rozen et al.; col.1, lines 42-45).

B. As per claim 6, Rozen et al. discloses a dialog or communications between the patient or participant and data request station or requester (Rozen et al.; col.5, lines 32-41).

C. As per claim 7, Rozen et al. discloses an operator or representative- assisted dialog or communication (Rozen et al.; col.9, lines 1-9).

D. As per claim 8, Rozen et al. discloses an automatic or automated, intelligent or interactive dialog or communication (Rozen et al.; abstract and col.8, lines 1-8).

E. As per claim 9, Rozen et al. discloses a dialog or communication is conducted in selected language (Rozen et al.; col.11, lines 35-38).

F. As per claim 10, Rozen et al. discloses a selectable output device or fax/email (Rozen et al.; col.10, lines 63-66).

G. As per claim 11, Rozen et al. discloses patient or participant information consisting of allergies and laboratory measurements or tests (Rozen et al.; col.6, lines 20-27 and lines 52-59).

H. As per claim 12, Rozen et al. discloses patient or participant information consisting laboratory measurements or tests consisting of blood pressure (Rozen et al.; col.6, lines 20-27 and lines 52-59).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rozen et al. (U.S. Patent No. 6,073,106) as applied to claim 1 above, and further in view of Experton (U.S. Patent No. 5,995,965).

A. As per claim 2 Rozen et al. discloses an authenticating or authorization access code (Rozen et al.; col.8, lines 59-64) wherein one of the data request stations or requesters comprises a communication device or phone/fax.

Rozen et al. fails to expressly teach a mobile or remote access communication device, per se, since it appears that Rozen et al. is more directed to general communication devices such as phone, fax and computers with internet connections. However, this feature is well known in the art, as evidenced by Experton.

In particular, Experton discloses phone lines and also other kinds of connections such as wireless links (Experton; col.6, lines 60-67), wherein the extra speed is needed for the connection.

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the wireless link connection disclosed by Experton within the communication device taught by Rozen et al. with the motivation of quickly accessing a potentially large amount of data using a readily and widely available communications link (Experton col.2, lines 25-28).

B. As per claim 3, Rozen et al. discloses a pin or personal identification number (Rozen et al.; abstract and col.4, lines 66-67 and col. 5, lines 1-9).

6. Claims 4-5 are rejected under 35 U.S.C. 35 103 (a) as being unpatentable over Rozen et al. (U.S. Patent No. 6,073,106) and Experton (U.S. Patent No. 5,995,965), as applied to claim 2 above, and further in view of Nelson (U.S. Patent No. 6,195,093).

A. As per claims 4-5 Rozen et al. discloses an authenticating or authorization access code (Rozen et al.; col.8, lines 59-64).

Rozen et al. and Experton fail to expressly teach an authenticating or authorization access code as non-humanly or computer readable form nor an authentication or authorization access code stored in an electronic chip, per se, since it appears that Rozen et al. and Experton is more directed to general communication devices such as phone, fax and computers with internet connections. However, this feature is well known in the art, as evidenced by Nelson.

In particular, Nelson discloses a computer readable microchip embedded in a tangible object (Nelson; col.11, lines 13-16)

It would have been obvious to one having ordinary skill in the art at the time of the invention to have combined the computer readable microchip disclosed by Nelson within the collective system taught by Rozen et al. and Experton with the motivation of utilizing technology that is more efficient and reliable than standard authentication and authorization techniques (Nelson col. 3, lines 2-5)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a scheduling interface system and method for medical professionals (6345260), a personalized health care provider directory (6014629), a modular health-care information management system utilizing reusable software objects (5995937), a intelligent portable interactive personal data system (4868376).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-8295. The examiner can normally be reached on 8-4:30.

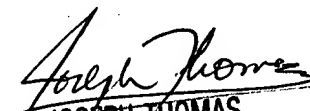
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dilek B. Cobanoglu
Art Unit 3626


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600